
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
3 amended by adding a new part to be appropriately designated and
4 to read as follows:

5 "PART . TOBACCO PRODUCTS; MINORS

6 §321-A Definitions. As used in this part:

7 "Electronic smoking device" means any electronic product
8 that can be used to aerosolize and deliver nicotine or other
9 substances to the person inhaling the device, electronic cigar,
10 electronic cigarillo, or electronic pipe, and any cartridge or
11 other component of the device or related product.

12 "Minor" means any person under the age of eighteen years.

13 "Possession" means knowingly having direct physical control
14 at a given time or knowingly having the power and the intention,
15 at a given time, to exercise dominion or control, including the
16 actual use of the tobacco product.



1 "Tobacco product" means tobacco in any form, including an
2 electronic smoking device, cigarettes, cigars, snuff, and
3 chewing tobacco, that is prepared or intended for consumption
4 by, or the personal use of, humans.

5 **§321-B Tobacco products; minors; possession or consumption**
6 **prohibited.** Possession or consumption of a tobacco product by a
7 minor in a public place shall be prohibited.

8 **§321-C Exemptions.** This part shall not apply to:

9 (1) Any minor, with parental authorization, who is
10 participating in a controlled purchase as part of a
11 law enforcement activity or a study authorized by the
12 department of health under the supervision of law
13 enforcement to determine the level of incidence of
14 tobacco sales to minors; or

15 (2) Possession of tobacco products by a minor in the
16 course of delivery, pursuant to the direction of the
17 minor's employer lawfully engaged in business
18 necessitating the delivery.

19 **§321-D Enforcement; rules.** (a) An agent or employee of
20 the department of health or a law enforcement officer who
21 witnesses a minor in the act of violating section 321-B shall



1 issue a citation to the minor; provided that the family court
2 shall be informed as provided in section 571-21(a) for
3 appropriate proceedings under chapter 571.

4 (b) The department shall adopt rules under chapter 91 to
5 effectuate this part, including the establishment of the amount
6 of any administrative fine, community service requirements, and
7 attendance at youth smoking education programs; provided that
8 the parents or legal guardians of a minor child shall be jointly
9 and severally liable for any administrative fine imposed under
10 this part."

11 PART II

12 SECTION 2. Chapter 281, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§281- Powdered alcohol. (a) No person shall consume,
16 purchase, possess, sell, offer for sale, or otherwise distribute
17 powdered alcohol in the State.

18 (b) Any person who violates this section shall be guilty
19 of a misdemeanor and upon conviction shall be punished as
20 provided in section 281-102.



- 1 SECTION 5. New statutory material is underscored.
- 2 SECTION 6. This Act shall take effect on July 1, 2112.



Report Title:

Tobacco Products; Prohibition of Possession or Consumption;
Minors; Powdered Alcohol

Description:

Prohibits the possession or consumption of tobacco products, including electronic smoking devices, by any person under eighteen years of age in public places. Defines and prohibits the consumption, purchase, possession, or sale of powdered alcohol. (SB550 HD1 PROPOSED)

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